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PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Michele COVELL et al.

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Application No.: 10/698,812

Examiner: Hieu T. Hoang

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Group Art Unit: 2452

Title: SYSTEM FOR DOING SERVICE LOCATION MANAGEMENT TAKING INTO ACCOUNT THE NODE AND NETWORK CHARACTERISTICS

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 05/27/2009.

☒ The fee for filing this Appeal Brief is \$540.00 (37 CFR 41.20).

☐ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$130

☐ 2nd Month
\$490

☐ 3rd Month
\$1110

☐ 4th Month
\$1730

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$540 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

| | | |
|------------------|--|--------------------------|
| Applicant: | COVELL et al. | Patent Application |
| Application No.: | 10/698,812 | Group Art Unit: 2452 |
| Filed: | October 30, 2003 | Examiner: Hoang, Hieu T. |
| For: | SYSTEM FOR DOING SERVICE LOCATION MANAGEMENT TAKING INTO ACCOUNT THE NODE AND NETWORK CHARACTERISTICS | |

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I. Real Party in Interest

The assignee of the present invention is Hewlett-Packard Development Company,
L.P.

II. Related Appeals and Interferences

There are no related appeals or interferences known to the Appellants.

III. Status of Claims

Claims 1-5, 7-15, 17-35 and 37-44 remain pending in the instant application. Claims 1-5, 7-15, 17-35 and 37-44 are rejected. Claims 6, 16 and 36 are cancelled. This Appeal involves Claims 1-5, 7-15, 17-35 and 37-44.

IV. Status of Amendments

All proposed amendments have been entered. An amendment subsequent to the Final Office Action mailed March 27, 2009, has not been filed.

V. Summary of Claimed Subject Matter-

As recited in Claim 1, “[a] method of selecting a media service provider based on static resource information” is described. This embodiment is depicted at least in Figures 1, 3 and 4. “Figure 4 is a flowchart 400 of a method for managing the servicing of content according to one embodiment of the present invention” (page 28, lines 10-11). “Figure 1 is a block diagram of a system 100 for servicing content supplied by a content source 110 and for delivering the service result content to a client device 150 according to one embodiment of the present invention.” (page 6, lines 15-17). “Messages A and B represent (shown in Figure 1) information transmissions sent from the service providers (e.g., 130 and 132) to SLM 120 that indicate that a service session has been initiated and terminated. This information provides the SLM 120 with useful data regarding the computational resources used in previous service sessions, and provides an accurate view of service provider (e.g., 130 and 132) resource state” (page 7, lines 10-15). “Service providers 130 and 132, and the services they are capable of providing, are known to SLM 120. Also known to the SLM 120 are certain static server provider and network characteristics, such as computational and memory resources of network coupled devices, connectivity and expected bandwidth and latency between servers, client/content addresses, session dispatch history, and network proximity” (page 13, lines 1-6). “Moreover, the SLM may receive periodic transmissions of service session information from service providers 130 and 132. This information may come in the form of service session start-up and tear-down information (e.g., service session initiation and termination information)” (page 13, lines 10-13). “In step 402 of Figure 4, referring also to Figures 1 and 2A, a first message (e.g., message 2) is received from portal 140, identifying an item of content. Portal 140 is in communication with client device 150” (page 28, lines 25-27). “In step 404 of Figure 4, a type of service to be performed on the item of content is identified. The type of service can be identified in the message of step 402. The type of

service can be identified in the message of step 402. Referring to Figures 1 and 2A, the type of service can be identified by the client device 150, by the portal 140, or by the service location manager 120” (page 29, lines 1-4). “A type of service may need to be performed on the item of content before the content is provided to client device 150. Types of services can include the processing of an item of content and/or the analysis of an item of content” (page 9, lines 5-7). “In step 406 of Figure 4, a provider of the type of service is selected from a number of providers capable of performing the service. In one embodiment, with reference also to Figures 1 and 2A, a service provider (e.g., service provider 130, etc.) is selected by SLM 120. According to one embodiment, the selection is based on static server provider and network characteristics known to the SLM, dispatch history, and information provided by the service providers related to the initiation and termination of previous sessions if such information has been received. It should be appreciated that session initiation and termination information provides the SLM 120 with useful data regarding the computational resources used in previous sessions and allows the SLM 120 to adapt its selection of a service location (e.g., service provider) to coincide with available resources” (page 29, lines 6-17). “In step 408 of Figure 4, in one embodiment, a second message (e.g., message 3 of Figures 1 and 2A) is sent to the portal. In another embodiment, the second message is sent to the client device, bypassing the portal. The second message includes information that identifies the selected service provider, allowing communication between the client device to be transferred from the portal to the service provider (e.g., from portal 140 to service provider 130 of Figures 1 and 2A)” (page 29, lines 19-25).

As recited in Claim 2, “[an] electronic device for providing content to a client device” is described. This embodiment is depicted at least in Figures 1, 3 and 4. “Figure 1 is a block diagram of a system 100 for servicing content supplied by a content source 110 and for

delivering the service result content to a client device 150 according to one embodiment of the present invention.” (page 6, lines 15-17). “All of, or a portion of, the methods described by flowchart 300 can be implemented using computer-readable and computer-executable instructions which reside, for example, in computer-usable media of a computer system or like device” (page 24, lines 8-11). “According to one embodiment of the present invention, service location manager (SLM) 120 can select a service provider (e.g., 130 and 132) based on static resource information. For purposes of the present application static resource information is comprised of known network and service provider characteristics that includes but is not limited to, computational and memory resources of network coupled devices, expected bandwidth/latency between servers, dispatch history, network proximity, session information (e.g., session initiation and termination information) and client/content addresses. In addition, according to some embodiments special purpose hardware (e.g., encryption or compression) will be known, allowing the SLM 120 to take into account characteristics of the special purpose hardware in its selection of suitable service providers” (page 6, line 18, through page 7, line 2). “Service location manager (SLM) 120 selects a service provider (e.g., service provider 130 or 132) that can perform the type of service that may need to be performed on the item of content before the service result is provided to the client device 150. According to one embodiment, this selection can be made based on available service provider resources determined as described herein” (page 11, lines 14-18). “Messages A and B represent (shown in Figure 1) information transmissions sent from the service providers (e.g., 130 and 132) to SLM 120 that indicate that a service session has been initiated and terminated. This information provides the SLM 120 with useful data regarding the computational resources used in previous service sessions, and provides an accurate view of service provider (e.g., 130 and 132) resource state” (page 7, lines 10-15). “A type of service may need to be performed on the item of content before the content is provided to

client device 150. Types of services can include the processing of an item of content and/or the analysis of an item of content” (page 9, lines 5-7).

As recited in Claim 3, “[a] computer system” is described. This embodiment is depicted at least in Figures 1, 3 and 4. “Figure 4 is a flowchart 400 of a method for managing the servicing of content according to one embodiment of the present invention” (page 28, lines 10-11). “All of, or a portion of, the methods described by flowchart 400 can be implemented using computer-readable and computer-executable instructions which reside, for example, in computer-usable media of a computer system or like device” (page 28, lines 18-21). “Figure 1 is a block diagram of a system 100 for servicing content supplied by a content source 110 and for delivering the service result content to a client device 150 according to one embodiment of the present invention.” (page 6, lines 15-17). “Messages A and B represent (shown in Figure 1) information transmissions sent from the service providers (e.g., 130 and 132) to SLM 120 that indicate that a service session has been initiated and terminated. This information provides the SLM 120 with useful data regarding the computational resources used in previous service sessions, and provides an accurate view of service provider (e.g., 130 and 132) resource state” (page 7, lines 10-15). “Service providers 130 and 132, and the services they are capable of providing, are known to SLM 120. Also known to the SLM 120 are certain static server provider and network characteristics, such as computational and memory resources of network coupled devices, connectivity and expected bandwidth and latency between servers, client/content addresses, session dispatch history, and network proximity” (page 13, lines 1-6). “Moreover, the SLM may receive periodic transmissions of service session information from service providers 130 and 132. This information may come in the form of service session start-up and tear-down information (e.g., service session initiation and termination information)” (page 13, lines 10-

13). “In step 402 of Figure 4, referring also to Figures 1 and 2A, a first message (e.g., message 2) is received from portal 140, identifying an item of content. Portal 140 is in communication with client device 150” (page 28, lines 25-27). “In step 404 of Figure 4, a type of service to be performed on the item of content is identified. The type of service can be identified in the message of step 402. The type of service can be identified in the message of step 402. Referring to Figures 1 and 2A, the type of service can be identified by the client device 150, by the portal 140, or by the service location manager 120” (page 29, lines 1-4). “A type of service may need to be performed on the item of content before the content is provided to client device 150. Types of services can include the processing of an item of content and/or the analysis of an item of content” (page 9, lines 5-7). “In step 406 of Figure 4, a provider of the type of service is selected from a number of providers capable of performing the service. In one embodiment, with reference also to Figures 1 and 2A, a service provider (e.g., service provider 130, etc.) is selected by SLM 120. According to one embodiment, the selection is based on static server provider and network characteristics known to the SLM, dispatch history, and information provided by the service providers related to the initiation and termination of previous sessions if such information has been received. It should be appreciated that session initiation and termination information provides the SLM 120 with useful data regarding the computational resources used in previous sessions and allows the SLM 120 to adapt its selection of a service location (e.g., service provider) to coincide with available resources” (page 29, lines 6-17). “In step 408 of Figure 4, in one embodiment, a second message (e.g., message 3 of Figures 1 and 2A) is sent to the portal. In another embodiment, the second message is sent to the client device, bypassing the portal. The second message includes information that identifies the selected service provider, allowing communication between the client device to be transferred from

the portal to the service provider (e.g., from portal 140 to service provider 130 of Figures 1 and 2A)” (page 29, lines 19-25).

As recited in Claim 4, “[a] computer storage medium having stored thereon computer program codes that when executed by a processor causing a computer to perform operations” is described. This embodiment is depicted at least in Figures 1, 3 and 4. “Figure 4 is a flowchart 400 of a method for managing the servicing of content according to one embodiment of the present invention” (page 28, lines 10-11). “All of, or a portion of, the methods described by flowchart 400 can be implemented using computer-readable and computer-executable instructions which reside, for example, in computer-usable media of a computer system or like device” (page 28, lines 18-21). “Figure 1 is a block diagram of a system 100 for servicing content supplied by a content source 110 and for delivering the service result content to a client device 150 according to one embodiment of the present invention.” (page 6, lines 15-17). “Messages A and B represent (shown in Figure 1) information transmissions sent from the service providers (e.g., 130 and 132) to SLM 120 that indicate that a service session has been initiated and terminated. This information provides the SLM 120 with useful data regarding the computational resources used in previous service sessions, and provides an accurate view of service provider (e.g., 130 and 132) resource state” (page 7, lines 10-15). “Service providers 130 and 132, and the services they are capable of providing, are known to SLM 120. Also known to the SLM 120 are certain static server provider and network characteristics, such as computational and memory resources of network coupled devices, connectivity and expected bandwidth and latency between servers, client/content addresses, session dispatch history, and network proximity” (page 13, lines 1-6). “Moreover, the SLM may receive periodic transmissions of service session information from service providers 130 and 132. This information may come in the

form of service session start-up and tear-down information (e.g., service session initiation and termination information)” (page 13, lines 10-13). “In step 402 of Figure 4, referring also to Figures 1 and 2A, a first message (e.g., message 2) is received from portal 140, identifying an item of content. Portal 140 is in communication with client device 150” (page 28, lines 25-27). “In step 404 of Figure 4, a type of service to be performed on the item of content is identified. The type of service can be identified in the message of step 402. The type of service can be identified in the message of step 402. Referring to Figures 1 and 2A, the type of service can be identified by the client device 150, by the portal 140, or by the service location manager 120” (page 29, lines 1-4). “A type of service may need to be performed on the item of content before the content is provided to client device 150. Types of services can include the processing of an item of content and/or the analysis of an item of content” (page 9, lines 5-7). “In step 406 of Figure 4, a provider of the type of service is selected from a number of providers capable of performing the service. In one embodiment, with reference also to Figures 1 and 2A, a service provider (e.g., service provider 130, etc.) is selected by SLM 120. According to one embodiment, the selection is based on static server provider and network characteristics known to the SLM, dispatch history, and information provided by the service providers related to the initiation and termination of previous sessions if such information has been received. It should be appreciated that session initiation and termination information provides the SLM 120 with useful data regarding the computational resources used in previous sessions and allows the SLM 120 to adapt its selection of a service location (e.g., service provider) to coincide with available resources” (page 29, lines 6-17). “In step 408 of Figure 4, in one embodiment, a second message (e.g., message 3 of Figures 1 and 2A) is sent to the portal. In another embodiment, the second message is sent to the client device, bypassing the portal. The second message includes information that identifies the selected service provider, allowing communication between the client device to be

transferred from the portal to the service provider (e.g., from portal 140 to service provider 130 of Figures 1 and 2A)” (page 29, lines 19-25).

As recited in Claim 5, “[a] method of selecting a media service provider for streaming media based on static resource information” is described. This embodiment is depicted at least in Figures 1, 3 and 4. “Figure 4 is a flowchart 400 of a method for managing the servicing of content according to one embodiment of the present invention” (page 28, lines 10-11). “Figure 1 is a block diagram of a system 100 for servicing content supplied by a content source 110 and for delivering the service result content to a client device 150 according to one embodiment of the present invention.” (page 6, lines 15-17). “[I]n one embodiment, system 100 is for streaming media from a content source to a client device” (page 19, lines 25-26). “Messages A and B represent (shown in Figure 1) information transmissions sent from the service providers (e.g., 130 and 132) to SLM 120 that indicate that a service session has been initiated and terminated. This information provides the SLM 120 with useful data regarding the computational resources used in previous service sessions, and provides an accurate view of service provider (e.g., 130 and 132) resource state” (page 7, lines 10-15). “Service providers 130 and 132, and the services they are capable of providing, are known to SLM 120. Also known to the SLM 120 are certain static server provider and network characteristics, such as computational and memory resources of network coupled devices, connectivity and expected bandwidth and latency between servers, client/content addresses, session dispatch history, and network proximity” (page 13, lines 1-6). “Moreover, the SLM may receive periodic transmissions of service session information from service providers 130 and 132. This information may come in the form of service session start-up and tear-down information (e.g., service session initiation and termination information)” (page 13, lines 10-13). “In step 402 of Figure 4, referring also to Figures 1 and 2A, a first

message (e.g., message 2) is received from portal 140, identifying an item of content. Portal 140 is in communication with client device 150” (page 28, lines 25-27). “In step 404 of Figure 4, a type of service to be performed on the item of content is identified. The type of service can be identified in the message of step 402. The type of service can be identified in the message of step 402. Referring to Figures 1 and 2A, the type of service can be identified by the client device 150, by the portal 140, or by the service location manager 120” (page 29, lines 1-4). “A type of service may need to be performed on the item of content before the content is provided to client device 150. Types of services can include the processing of an item of content and/or the analysis of an item of content” (page 9, lines 5-7). “In step 406 of Figure 4, a provider of the type of service is selected from a number of providers capable of performing the service. In one embodiment, with reference also to Figures 1 and 2A, a service provider (e.g., service provider 130, etc.) is selected by SLM 120. According to one embodiment, the selection is based on static server provider and network characteristics known to the SLM, dispatch history, and information provided by the service providers related to the initiation and termination of previous sessions if such information has been received. It should be appreciated that session initiation and termination information provides the SLM 120 with useful data regarding the computational resources used in previous sessions and allows the SLM 120 to adapt its selection of a service location (e.g., service provider) to coincide with available resources” (page 29, lines 6-17). “In step 408 of Figure 4, in one embodiment, a second message (e.g., message 3 of Figures 1 and 2A) is sent to the portal. In another embodiment, the second message is sent to the client device, bypassing the portal. The second message includes information that identifies the selected service provider, allowing communication between the client device to be transferred from the portal to the service provider (e.g., from portal 140 to service provider 130 of Figures 1 and 2A)” (page 29, lines 19-25).

As recited in Claim 15, “[an] electronic device for providing content to a client device” is described. This embodiment is depicted at least in Figures 1, 3 and 4. “Figure 1 is a block diagram of a system 100 for servicing content supplied by a content source 110 and for delivering the service result content to a client device 150 according to one embodiment of the present invention.” (page 6, lines 15-17). “[I]n one embodiment, system 100 is for streaming media from a content source to a client device” (page 19, lines 25-26). “All of, or a portion of, the methods described by flowchart 300 can be implemented using computer-readable and computer-executable instructions which reside, for example, in computer-usable media of a computer system or like device” (page 24, lines 8-11). “According to one embodiment of the present invention, service location manager (SLM) 120 can select a service provider (e.g., 130 and 132) based on static resource information. For purposes of the present application static resource information is comprised of known network and service provider characteristics that includes but is not limited to, computational and memory resources of network coupled devices, expected bandwidth/latency between servers, dispatch history, network proximity, session information (e.g., session initiation and termination information) and client/content addresses. In addition, according to some embodiments special purpose hardware (e.g., encryption or compression) will be known, allowing the SLM 120 to take into account characteristics of the special purpose hardware in its selection of suitable service providers” (page 6, line 18, through page 7, line 2). “Service location manager (SLM) 120 selects a service provider (e.g., service provider 130 or 132) that can perform the type of service that may need to be performed on the item of content before the service result is provided to the client device 150. According to one embodiment, this selection can be made based on available service provider resources determined as described herein” (page 11, lines 14-18). “Messages A and B represent (shown in Figure 1)

information transmissions sent from the service providers (e.g., 130 and 132) to SLM 120 that indicate that a service session has been initiated and terminated. This information provides the SLM 120 with useful data regarding the computational resources used in previous service sessions, and provides an accurate view of service provider (e.g., 130 and 132) resource state” (page 7, lines 10-15). “A type of service may need to be performed on the item of content before the content is provided to client device 150. Types of services can include the processing of an item of content and/or the analysis of an item of content” (page 9, lines 5-7).

As recited in Claim 25, “[a] computer system” is described. This embodiment is depicted at least in Figures 1, 3 and 4. “Figure 4 is a flowchart 400 of a method for managing the servicing of content according to one embodiment of the present invention” (page 28, lines 10-11). “All of, or a portion of, the methods described by flowchart 400 can be implemented using computer-readable and computer-executable instructions which reside, for example, in computer-usable media of a computer system or like device” (page 28, lines 18-21). “Figure 1 is a block diagram of a system 100 for servicing content supplied by a content source 110 and for delivering the service result content to a client device 150 according to one embodiment of the present invention.” (page 6, lines 15-17). “[I]n one embodiment, system 100 is for streaming media from a content source to a client device” (page 19, lines 25-26). “Messages A and B represent (shown in Figure 1) information transmissions sent from the service providers (e.g., 130 and 132) to SLM 120 that indicate that a service session has been initiated and terminated. This information provides the SLM 120 with useful data regarding the computational resources used in previous service sessions, and provides an accurate view of service provider (e.g., 130 and 132) resource state” (page 7, lines 10-15). “Service providers 130 and 132, and the services they are capable of providing,

are known to SLM 120. Also known to the SLM 120 are certain static server provider and network characteristics, such as computational and memory resources of network coupled devices, connectivity and expected bandwidth and latency between servers, client/content addresses, session dispatch history, and network proximity” (page 13, lines 1-6). “Moreover, the SLM may receive periodic transmissions of service session information from service providers 130 and 132. This information may come in the form of service session start-up and tear-down information (e.g., service session initiation and termination information)” (page 13, lines 10-13). “In step 402 of Figure 4, referring also to Figures 1 and 2A, a first message (e.g., message 2) is received from portal 140, identifying an item of content. Portal 140 is in communication with client device 150” (page 28, lines 25-27). “In step 404 of Figure 4, a type of service to be performed on the item of content is identified. The type of service can be identified in the message of step 402. The type of service can be identified in the message of step 402. Referring to Figures 1 and 2A, the type of service can be identified by the client device 150, by the portal 140, or by the service location manager 120” (page 29, lines 1-4). “A type of service may need to be performed on the item of content before the content is provided to client device 150. Types of services can include the processing of an item of content and/or the analysis of an item of content” (page 9, lines 5-7). “In step 406 of Figure 4, a provider of the type of service is selected from a number of providers capable of performing the service. In one embodiment, with reference also to Figures 1 and 2A, a service provider (e.g., service provider 130, etc.) is selected by SLM 120. According to one embodiment, the selection is based on static server provider and network characteristics known to the SLM, dispatch history, and information provided by the service providers related to the initiation and termination of previous sessions if such information has been received. It should be appreciated that session initiation and termination information provides the SLM 120 with useful data regarding the computational resources used in

previous sessions and allows the SLM 120 to adapt its selection of a service location (e.g., service provider) to coincide with available resources” (page 29, lines 6-17). “In step 408 of Figure 4, in one embodiment, a second message (e.g., message 3 of Figures 1 and 2A) is sent to the portal. In another embodiment, the second message is sent to the client device, bypassing the portal. The second message includes information that identifies the selected service provider, allowing communication between the client device to be transferred from the portal to the service provider (e.g., from portal 140 to service provider 130 of Figures 1 and 2A)” (page 29, lines 19-25).

As recited in Claim 35, “[a] computer storage medium having stored thereon computer program codes that when executed by a processor causing a computer to perform operations” is described. This embodiment is depicted at least in Figures 1, 3 and 4. “Figure 4 is a flowchart 400 of a method for managing the servicing of content according to one embodiment of the present invention” (page 28, lines 10-11). “All of, or a portion of, the methods described by flowchart 400 can be implemented using computer-readable and computer-executable instructions which reside, for example, in computer-usable media of a computer system or like device” (page 28, lines 18-21). “Figure 1 is a block diagram of a system 100 for servicing content supplied by a content source 110 and for delivering the service result content to a client device 150 according to one embodiment of the present invention.” (page 6, lines 15-17). “[I]n one embodiment, system 100 is for streaming media from a content source to a client device” (page 19, lines 25-26). “Messages A and B represent (shown in Figure 1) information transmissions sent from the service providers (e.g., 130 and 132) to SLM 120 that indicate that a service session has been initiated and terminated. This information provides the SLM 120 with useful data regarding the computational resources used in previous service sessions, and provides an accurate view of

service provider (e.g., 130 and 132) resource state” (page 7, lines 10-15). “Service providers 130 and 132, and the services they are capable of providing, are known to SLM 120. Also known to the SLM 120 are certain static server provider and network characteristics, such as computational and memory resources of network coupled devices, connectivity and expected bandwidth and latency between servers, client/content addresses, session dispatch history, and network proximity” (page 13, lines 1-6). “Moreover, the SLM may receive periodic transmissions of service session information from service providers 130 and 132. This information may come in the form of service session start-up and tear-down information (e.g., service session initiation and termination information)” (page 13, lines 10-13). “In step 402 of Figure 4, referring also to Figures 1 and 2A, a first message (e.g., message 2) is received from portal 140, identifying an item of content. Portal 140 is in communication with client device 150” (page 28, lines 25-27). “In step 404 of Figure 4, a type of service to be performed on the item of content is identified. The type of service can be identified in the message of step 402. The type of service can be identified in the message of step 402. Referring to Figures 1 and 2A, the type of service can be identified by the client device 150, by the portal 140, or by the service location manager 120” (page 29, lines 1-4). “A type of service may need to be performed on the item of content before the content is provided to client device 150. Types of services can include the processing of an item of content and/or the analysis of an item of content” (page 9, lines 5-7). “In step 406 of Figure 4, a provider of the type of service is selected from a number of providers capable of performing the service. In one embodiment, with reference also to Figures 1 and 2A, a service provider (e.g., service provider 130, etc.) is selected by SLM 120. According to one embodiment, the selection is based on static server provider and network characteristics known to the SLM, dispatch history, and information provided by the service providers related to the initiation and termination of previous sessions if such information has been received. It should be

appreciated that session initiation and termination information provides the SLM 120 with useful data regarding the computational resources used in previous sessions and allows the SLM 120 to adapt its selection of a service location (e.g., service provider) to coincide with available resources” (page 29, lines 6-17). “In step 408 of Figure 4, in one embodiment, a second message (e.g., message 3 of Figures 1 and 2A) is sent to the portal. In another embodiment, the second message is sent to the client device, bypassing the portal. The second message includes information that identifies the selected service provider, allowing communication between the client device to be transferred from the portal to the service provider (e.g., from portal 140 to service provider 130 of Figures 1 and 2A)” (page 29, lines 19-25).

VI. Grounds of Rejection to Be Reviewed on Appeal

1. Claims 1-5, 7, 12-15, 17, 22-27, 35, 37 and 42-44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over “Development of Network Infrastructure for Transcoding Multimedia Streams” by Pranata in view of U.S. Patent No. 6,970,602 by Smith et al., hereinafter referred to as “Smith.”

2. Claims 8, 18, 28 and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pranata in view of Smith, further in view of U.S. Patent No. 7,277,431 by Walter et al., hereinafter referred to as “Walter.”

3. Claims 9-11, 19-21, 24, 29-34 and 39-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pranata in view of Smith, further in view of “Content Services Network: The Architecture and Protocols” by Ma et al., hereinafter referred to as “Ma.”

VII. Argument

1. Whether Claims 1-5, 7, 12-15, 17, 22-27, 35, 37 and 42-44 are unpatentable by Pranata in view of Smith under 35 U.S.C. §103(a).

The Office Action mailed March 27, 2009, hereinafter referred to as the “instant Office Action,” states that Claims 1-5, 7, 12-15, 17, 22-27, 35, 37 and 42-44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pranata in view of Smith. Appellants note that the instant Office Action states that Claims 6, 16 and 36 are rejected (instant Office Action; page 3, section 8). However, Appellants respectfully note that Claims 6, 16 and 36 were cancelled in the Office Action Response submitted January 26, 2009. Therefore, a discussion of the rejection of Claims 6, 16 and 36 is moot at this time. Appellants have reviewed Pranata and Smith and respectfully submit that the embodiments recited in Claims 1-5, 7, 12-15, 17, 22-27, 35, 37 and 42-44 are patentable over Pranata and Smith, alone or in combination, for at least the following rationale.

Appellants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A method of selecting a media service provider based on static resource information, said method comprising:

receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers;

maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information;

identifying a type of service that needs to be performed on an item of content requested by a client device and supplied by a content source before a service result is provided to said client device, said identifying performed at said service location manager, wherein said item of content is identified during a session with said client device, and said type of service is selected

from a group of services consisting of processing said item of content and providing an analysis of said item of content;

selecting a service provider of said type of service from said plurality of service providers based on said data maintained at said service location manager, said selecting performed at said service location manager, said selecting of said service provider of said type of service further based on service session information if said service session information has been received and further based on said identifying said type of service; and

providing transfer information for transferring said session to said service provider of said type of service, wherein said service provider of said type of service performs said type of service on said item of content if said type of service is needed.

Independent Claims 2-5, 15, 25 and 35 recite similar embodiments. Claims 7 and 12-14 that depend from independent Claim 5, Claims 17 and 22-24 that depend from independent Claim 15, Claims 26 and 27 that depend from independent Claim 25, and Claims 37 and 42-44 that depend from independent Claim 35 also include these embodiments.

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)). Appellants note that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141(III)).

Appellants respectfully note that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention” (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

First, Appellants respectfully submit that Pranata does not teach, describe or suggest “receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers” and “maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information” (emphasis added) as claimed.

Appellants understand Pranata to disclose a network service infrastructure for transcoding multimedia streams. In particular, Pranata describes the operation of a client-initiated service request under a particular architecture. Appellants understand Figure 4-5 of Pranata to disclose the architecture of the network service infrastructure for transcoding multimedia streams. Specifically, the architecture is required to include a server, a transcoder, a client, a service broker, and a lookup service (sections 4.2.3 and 4.3; pages 24-26).

Appellants understand Pranata to disclose that the service broker communicates with the lookup service to select a transcoder. Pranata recites “[t]he purpose of the service broker

is to find the most appropriate transcoder for the client and then build service chain from the server to the client. It finds the transcoder using a directory which is stored in the lookup service.” Moreover, “[t]he lookup service is a directory service which stores information about transcoders, for example its address and supported formats. Since the lookup service is very critical, it is recommended that a network has more than one lookup service” (section 4.3.5; page 26).

As described in Figure 5-8 of Pranata, the flow control of a client-initiated request includes “4. The service broker asks the lookup service a list of transcoders which may be appropriate for the client” and “5. The lookup service returns a list of transcoders. The service broker then select [sic] one which will serve the client using service brokering algorithm” (section 5.2.3.1; page 40).

Appellants respectfully submit that Pranata discloses that the service broker accesses a directory service that includes a list of transcoders. From this list, the service broker makes a selection. Therefore, Appellants respectfully submit that Pranata does not teach, describe or suggest “receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers” and “maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information” (emphasis added) as claimed.

Moreover, Appellants respectfully submit that by disclosing that the information about transcoders is stored at the lookup service and that the selection of the transcoder is made at the service broker, Appellants respectfully submit that Pranata teaches away from “receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers” and “maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information” (emphasis added) as claimed.

Furthermore, Appellants respectfully submit that Smith does not overcome the shortcomings of Pranata. Appellants understand Smith to disclose a method and apparatus for transcoding multimedia using content analysis. Appellants respectfully submit that Smith does not teach, describe or suggest “receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers” and “maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information” (emphasis added) as claimed. In particular, Appellants respectfully submit that Smith is silent to any such teaching.

Appellants note that the Response to Arguments section of the instant Office Action asserts that “[t]here is no requirement in Pranata that the service broker and the lookup service

have to be distinct” (instant Office Action; pages 2-3, section 6). Appellants respectfully disagree. First, as illustrated in Figure 4-5, “the architecture consists of five elements, server, transcoder, client, service broker and lookup service” (page 25; section 4.2.3). In particular, Pranata recites that “[w]hen a component, either transcoder, service broker or client, is attached on a network, it has to find the lookup service. In general, there are three different methods which can be used to find the lookup service on a network” (emphasis added; page 35, section 5.2.1), specifically identified as multicast request, multicast announcement, and unicast discovery. Appellants respectfully submit that multicast request, multicast announcement, and unicast discovery are all used for supporting network communications, and would not be used to find a local service. In particular, Appellants respectfully submit that multicast request, multicast announcement, and unicast discovery would not be identified as the three methods for finding a lookup service if it was intended to provide a local lookup service, as asserted in the instant Office Action. In contrast, by disclosing multicast request, multicast announcement, and unicast discovery for finding a lookup service on a network, Appellants respectfully submit that Pranata teaches away from a the service broker and the lookup service not being distinct. Moreover, Appellants respectfully submit that the disclosure that “[f]or a small network, one lookup service may be enough” (page 26, section 4.3.5) does not teach, describe or suggest that the lookup service can be the same device as the service broker. In contrast, by disclosing that “it is recommended that a network has more than one lookup service” (page 26, section 4.3.5), Appellants respectfully submit that Pranata teaches away from the service broker and the lookup service not being distinct.

Accordingly, Appellants respectfully submit that the basis for rejecting independent Claims 1-5, 15, 25 and 35 under 35 U.S.C. § 103(a) is traversed and that, as a result, Claims 1-5, 15, 25 and 35 are in condition for allowance. Furthermore, Appellants respectfully

submit that the basis for rejecting Claims 7 and 12-14 that depend from independent Claim 5, Claims 17 and 22-24 that depend from independent Claim 15, Claims 26 and 27 that depend from independent Claim 25, and Claims 37 and 42-44 that depend from independent Claim 35 under 35 U.S.C. § 103(a) is also traversed as these claims depend from allowable base claims, and consequently Claims 7, 12-14, 17, 22-24, 26, 27, 37 and 42-44 are also in condition for allowance.

2. Whether Claims 8, 18, 28 and 38 are unpatentable by Pranata in view of Smith, further in view of Walter under 35 U.S.C. §103(a).

The instant Office Actions states that Claims 8, 18, 28 and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pranata in view of Smith, further in view Walter. Appellants have reviewed Pranata, Smith and Walter and respectfully submit that the embodiments recited in Claims 8, 18, 28 and 38 are patentable over Pranata, Smith and Walter, alone or in combination, for at least the following rationale.

Claim 8 is dependent on independent Claim 5 and includes the recitations of independent Claim 5. Claim 18 is dependent on independent Claim 15 and includes the recitations of independent Claim 15. Claim 28 is dependent on independent Claim 25 and includes the recitations of independent Claim 25. Claim 38 is dependent on independent Claim 35 and includes the recitations of independent Claim 35. Hence, by demonstrating that independent Claim 5, 15, 25 and 35 are patentable over Pranata, Smith and Walter, it is also demonstrated that Pranata, Smith and Walter do not show or suggest the embodiments of Claims 8, 18, 28 and 38.

First, as presented above, Appellants respectfully submit that the combination of Pranata and Smith does not establish a *prima facie* case of obviousness because Pranata and Smith, as a whole, do not teach, describe or suggest “receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers” and “maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information” (emphasis added) as recited in independent Claims 5, 25 and 35, and the similar embodiment of independent Claim 15. Moreover, Appellants respectfully submit that Pranata teaches away from the claimed embodiment.

Second, Appellants respectfully submit that Walter does not overcome the shortcomings of Pranata and Smith. Appellants respectfully submit that the combination of Pranata, Smith and Walter does not establish a *prima facie* case of obviousness. Appellants understand Walter to disclose a method and apparatus for encryption or compression devices inside a storage area network fabric. In particular, Appellants respectfully submit that Walter also does not teach, describe or suggest “receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers” and “maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information” (emphasis added) as recited in independent Claims 5, 25 and 35, and the similar embodiment of independent Claim 15.

Accordingly, Appellants respectfully submit that the basis for rejecting independent Claims 5, 15, 25 and 35 under 35 U.S.C. § 103(a) is traversed and that, as a result, Claims 5, 15, 25 and 35 are in condition for allowance. Furthermore, Appellants respectfully submit that the basis for rejecting Claim 8 that depends on independent Claim 5, Claim 18 that depends on independent Claim 15, Claim 28 that depends on independent Claim 25, and Claim 38 that depends on independent Claim 35 under 35 U.S.C. § 103(a) is also traversed as these claims depend from allowable base claims, and consequently Claims 8, 18, 28 and 38 are also in condition for allowance.

3. Whether Claims 9-11, 19-21, 29-31 and 39-41 are unpatentable by Pranata in view of Smith, further in view of Ma under 35 U.S.C. §103(a).

The instant Office Actions states that Claims 9-11, 19-21, 24, 29-34 and 39-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pranata in view of Smith, further in view of Ma. Appellants have reviewed Pranata, Smith and Ma and respectfully submit that the embodiments recited in Claims 9-11, 19-21, 24, 29-34 and 39-41 are patentable over Pranata, Smith and Ma, alone or in combination, for at least the following rationale.

Claims 9-11 are dependent on independent Claim 5 and include the recitations of independent Claim 5. Claims 19-21 and 24 are dependent on independent Claim 15 and include the recitations of independent Claim 15. Claims 29-34 are dependent on independent Claim 25 and include the recitations of independent Claim 25. Claims 39-41 are dependent on independent Claim 35 and include the recitations of independent Claim 35. Hence, by demonstrating that independent Claim 5, 15, 25 and 35 are patentable over Pranata, Smith

and Ma, it is also demonstrated that Pranata, Smith and Ma do not show or suggest the embodiments of Claims 9-11, 19-21, 24, 29-34 and 39-41.

Appellants respectfully note that the instant Office Action indicates that Claim 24 is rejected for the same rationale as in Claim 14 and that Claims 32-34 are rejected for the same rationale as in Claims 12-14. However, Appellants note that Claims 12-14 are not rejected under 35 U.S.C. § 103(a) as being unpatentable over Pranata in view of Smith, further in view of Ma. Appropriate correction was requested in the Office Action response mailed January 26, 2009. The instant Office Action did not include any indication of correction. For purposes of the instant Appeal Brief, Appellants assume that Claim 24 is rejected for the same rationale as Claims 14 and 19 and that Claims 32-34 are rejected for the same rationale as Claims 12-14 and 29.

First, as presented above, Appellants respectfully submit that the combination of Pranata and Smith does not establish a *prima facie* case of obviousness because Pranata and Smith, as a whole, do not teach, describe or suggest “receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers” and “maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information” (emphasis added) as recited in independent Claims 5, 25 and 35, and the similar embodiment of independent Claim 15. Moreover, Appellants respectfully submit that Pranata teaches away from the claimed embodiment.

Second, Appellants respectfully submit that Ma does not overcome the shortcomings of Pranata and Smith. Appellants respectfully submit that the combination of Pranata, Smith and Ma does not establish a *prima facie* case of obviousness. Appellants understand Ma to disclose a content services network. In particular, Appellants respectfully submit that Ma also does not teach, describe or suggest “receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers” and “maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information” (emphasis added) as recited in independent Claims 5, 25 and 35, and the similar embodiment of independent Claim 15.

Accordingly, Appellants respectfully submit that the basis for rejecting independent Claims 5, 15, 25 and 35 under 35 U.S.C. § 103(a) is traversed and that, as a result, Claims 5, 15, 25 and 35 are in condition for allowance. Furthermore, Appellants respectfully submit that the basis for rejecting Claims 9-11 that depend on independent Claim 5, Claims 19-21 and 24 that depend on independent Claim 15, Claims 29-34 that depend on independent Claim 25, and Claims 39-41 that depend on independent Claim 35 under 35 U.S.C. § 103(a) is also traversed as these claims depend from allowable base claims, and consequently Claims 9-11, 19-21, 24, 29-34 and 39-41 are also in condition for allowance.

Conclusion

Appellants believe that pending Claims 1-5, 7-15, 17-35 and 37-44 are patentable over the asserted art as the rejections of Claims 1-5, 7-15, 17-35 and 37-44 under 35 U.S.C. §103(a) do not satisfy the requirements of a *prima facie* case of anticipation.

Accordingly, Appellants respectfully submit that the rejections of Claims 1-5, 7-15, 17-35 and 37-44 are improper and should be reversed.

The Appellants wish to encourage the Examiner or a member of the Board of Patent Appeals to telephone the Appellants' undersigned representative if it is felt that a telephone conference could expedite prosecution.

Respectfully submitted,
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Dated: July 27, 2009

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VIII. Appendix - Clean Copy of Claims on Appeal

1. A method of selecting a media service provider based on static resource information, said method comprising:

receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers;

maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information;

identifying a type of service that needs to be performed on an item of content requested by a client device and supplied by a content source before a service result is provided to said client device, said identifying performed at said service location manager, wherein said item of content is identified during a session with said client device, and said type of service is selected from a group of services consisting of processing said item of content and providing an analysis of said item of content;

selecting a service provider of said type of service from said plurality of service providers based on said data maintained at said service location manager, said selecting performed at said service location manager, said selecting of said service provider of said type of service further based on service session information if said service session information has been received and further based on said identifying said type of service; and

providing transfer information for transferring said session to said service provider of said type of service, wherein said service provider of said type of service performs said type of service on said item of content if said type of service is needed.

2. An electronic device for providing content to a client device, said electronic device comprising:

a memory device comprising computer executable instructions stored therein; and

a processor that performs a selection of a service provider from among a plurality of service providers that is capable of performing a needed type of service on an item of content requested by a client device and supplied by a content source, said selection based on data maintained at said electronic device, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on service provider information received from said plurality of service providers, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers, wherein said type of service is selected from a group of services consisting of processing said item of content and providing an analysis of said item of content, said item of content and type of service to be performed on said item of content are identified during a session with said client device, wherein said type of service is identified before a service result is provided to said client device, said processor further selecting said service provider of said type of service based on service session information if said service session information has been received.

3. A computer system comprising:

a processor;

a memory device comprising computer executable instructions stored therein for performing a method for selecting a media service provider based on static resource information comprising:

receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers;

maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information;

identifying a type of service that needs to be performed on an item of content requested by a client device and supplied by a content source before a service result is provided to said client device, wherein said item of content is identified during a session with said client device and said type of service is selected from a group of services consisting of processing said item of content and providing an analysis of said item of content;

selecting a service provider of said type of service from said plurality of service providers based on said data maintained at said service location manager, said selecting performed at said service location manager, said selecting of said service provider of said type of service further based on service session information if said service session information has been received and further based on said identifying said type of service; and

providing transfer information for transferring said session to said service provider of said type of service, wherein said service provider of said type of service performs said type of service on said item of content if said type of service is needed.

4. A computer storage medium having stored thereon computer program codes that when executed by a processor causing a computer to perform operations comprising:

receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers;

maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information;

identifying a type of service that needs to be performed on an item of content requested by a client device and supplied by a content source before a service result is provided to said client device, wherein said item of content is identified during a session with said client device, and said type of service is selected from a group of services consisting of processing said item of content and providing an analysis of said item of content;

selecting a service provider of said type of service from said plurality of service providers based on said data maintained at said service location manager, said selecting performed at said service location manager, said selecting of said service provider of said type of service further based on service session information if said service session information has been received and further based on said identifying said type of service; and

providing transfer information for transferring said session to said service provider of said type of service, wherein said service provider of said type of service performs said type of service on said item of content if said type of service is needed.

5. A method of selecting a media service provider for streaming media based on static resource information, said method comprising:

receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers;

maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information;

identifying a type of service that needs to be performed on an item of streaming content requested by a client device and supplied by a content source before a service result is provided to said client device, said identifying performed at said service location manager, wherein said item of streaming content is identified during a session with said client device, and said type of service is selected from a group of services consisting of processing said item of content and providing an analysis of said item of content;

selecting a service provider of said type of service from said plurality of service providers based on said data maintained at said service location manager, said selecting performed at said service location manager, said selecting of said service provider of said type of service further based on service session information if said service session information has been received and further based on said identifying said type of service; and

providing transfer information for transferring said session to said service provider of said type of service, wherein said service provider of said type of service performs said service on said item of streaming content if said type of service is needed.

7. The method of Claim 5 wherein said static service provider and network information comprises information concerning computational and memory resources, connectivity and expected bandwidth and latency between servers, client and content addresses, session dispatch history, network proximity and the identity of special purpose hardware.

8. The method of Claim 7 wherein said special purpose hardware comprises encryption and compression hardware.

9. The method of Claim 5 wherein said service session information comprises service session initiation and termination information.

10. The method of Claim 9 wherein said initiation and termination information provides information regarding the computational resources used in previous sessions.

11. The method of Claim 6 wherein said session dispatch history comprises information concerning content length.

12. The method of Claim 5 wherein said streaming content is serviced and delivered to a client device as it is received.

13. The method of Claim 12 wherein non streamed content is generated from said streaming content by said service provider.

14. The method of Claim 13 wherein said streaming content is serviced by said service provider and delivered to a client device as a non streamed file.

15. An electronic device for providing streaming media content to a client device, said electronic device comprising:

a memory device comprising computer executable instructions stored therein; and

a processor that performs a selection of a service provider from among a plurality of service providers that is capable of performing a needed type of service on an item of content requested by a client device and supplied by a content source, said selection based on data maintained at said electronic device, said data comprising identification of said plurality of

service providers, static service provider information and static network information, wherein said data is based at least in part on service provider information received from said plurality of service providers, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers, wherein said type of service is selected from a group of services consisting of processing said item of content and providing an analysis of said item of content, said item of content and type of service to be performed on said item of content are identified during a session with said client device, wherein said type of service is identified before a service result is provided to said client device, said processor further selecting said service provider of said type of service based on service session information if said service session information has been received.

17. The electronic device of Claim 15 wherein said static service provider and network information comprises information concerning computational and memory resources, connectivity and expected bandwidth and latency between servers, client and content addresses, session dispatch history, network proximity and the identity of special purpose hardware.

18. The electronic device of Claim 17 wherein said special purpose hardware comprises encryption and compression hardware.

19. The electronic device of Claim 15 wherein said service session information comprises service session initiation and termination information.

20. The electronic device of Claim 19 initiation and termination information provides information regarding the computational resources used in previous sessions.

21. The electronic device of Claim 17 wherein said dispatch history comprises information concerning content length.

22. The electronic device of Claim 15 wherein said streaming content is serviced and delivered to a client device as it is received.

23. The electronic device of Claim 22 wherein non streamed content is generated from said streaming content by said service provider.

24. The electronic device of Claim 19 wherein said streaming content is serviced by said service provider and delivered to a client device as a non streamed file.

25. A computer system comprising:
a processor;
a memory device comprising computer executable instructions stored therein for performing a method for selecting a streaming media service provider based on static resource information comprising:
receiving service provider information from a plurality of service providers at said computer system, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers;
maintaining data at said computer system, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information;
identifying a type of service that needs to be performed on an item of streaming

content requested by a client device and supplied by a content source before a service result is provided to said client device, wherein said item of streaming content is identified during a session with said client device, and said type of service is selected from a group of services consisting of processing said item of content and providing an analysis of said item of content;

selecting a service provider of said type of service from said plurality of service providers based on said data maintained at said computer system, said selecting performed at said computer system, said selecting of said service provider of said type of service further based on service session information if said service session information has been received and further based on said identifying said type of service; and

providing transfer information for transferring said session to said service provider of said type of service, wherein said service provider of said type of service performs said type of service on said item of streaming content if said type of service is needed.

26. The computer system of Claim 25 wherein said static service provider and network information is maintained by a service location manager.

27. The computer system of Claim 26 wherein said static service provider and network information comprises information concerning computational and memory resources, connectivity and expected bandwidth and latency between servers, client and content addresses, session dispatch history, network proximity and the identity of special purpose hardware.

28. The computer system of Claim 27 wherein said special purpose hardware comprises encryption and compression hardware.

29. The computer system of Claim 25 wherein said service session information comprises service session initiation and termination information.

30. The computer system of Claim 29 wherein said initiation and termination information provides information regarding the computational resources used in previous sessions.

31. The computer system of Claim 27 wherein said session dispatch history comprises information concerning content length.

32. The computer system of Claim 29 wherein said streaming content is serviced and delivered to a client device as it is received.

33. The computer system of Claim 32 wherein non streamed content is generated from said streaming content by said service provider.

34. The computer system of Claim 29 wherein said streaming content is serviced by said service provider and delivered to a client device as a non streamed file.

35. A computer storage medium having stored thereon computer program codes that when executed by a processor causing a computer to perform operations comprising:

receiving service provider information from a plurality of service providers at a service location manager, said service provider information comprising indications of initiation and termination of service sessions involving said plurality of service providers;

maintaining data at said service location manager, said data comprising identification of said plurality of service providers, static service provider information and static network information, wherein said data is based at least in part on said service provider information;

identifying a type of service that needs to be performed on an item of streaming content requested by a client device and supplied by a content source before a service result is provided to said client device, wherein said item of streaming content is identified during a session with said client device, and said type of service is selected from a group of services consisting of processing said item of content and providing an analysis of said item of content;

selecting a service provider of said type of service from said plurality of service providers based on said data maintained at said service location manager, said selecting performed at said service location manager, said selecting of said service provider of said type of service further based on service session information if said service session information has been received and further based on said identifying said type of service; and

providing transfer information for transferring said session to said service provider of said type of service, wherein said service provider of said type of service performs said type of service on said item of streaming content if said type of service is needed.

37. The computer storage medium of Claim 35 wherein said static service provider and network information comprises information concerning computational and memory resources, connectivity and expected bandwidth and latency between servers, client

and content addresses, session dispatch history, network proximity and the identity of special purpose hardware.

38. The computer storage medium of Claim 37 wherein said special purpose hardware comprises encryption and compression hardware.

39. The computer storage medium of Claim 35 wherein said service session information comprises service session initiation and termination information.

40. The computer storage medium of Claim 39 wherein said initiation and termination information provides information regarding the computational resources used in previous sessions.

41. The computer storage medium of Claim 36 wherein said session dispatch history comprises information concerning content length.

42. The computer storage medium of Claim 35 wherein said streaming content is serviced and delivered to a client device as it is received.

43. The computer storage medium of Claim 42 wherein non streamed content is generated from said streaming content by said service provider.

44. The computer storage medium of Claim 43 wherein said streaming content is serviced by said service provider and delivered to a client device as a non streamed file.

IX. Evidence Appendix

No evidence is herein appended.

X. Related Proceedings Appendix

No related proceedings.